IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

CRL.A.No. 709 of 2001()

S.T.No.172/1997 OF THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE-III, THRISSUR.

APPELLANT:

V.S.SURESH KUMAR,
S/O.SANKARANKUTTY,
SURESH VIHAR,
OLARIKKARA,
PULLAZHI POST,
THRISSUR.

BY ADV. SRI.C.HARIKUMAR

RESPONDENTS:

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1. SR.NAZAR, KOKARAKO PRODUCTIONS,
MANACHERRY HOUSE,
MADAVANA POST,
ATHANY, KODUNGALLUR,
THRISSUR DIST.
2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.Appeal.No.709 of 2001

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Dated this the 12th day of December, 2007

JUDGMENT

The complainant in S.T.No.172 of 1997 on the file of the Judicial First Class Magistrate-III, Thrissur for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the release of the accused on probation instead of imposing a punishment.

2. Pending this appeal, the parties have settled the matter. Crl.M.A.No. 12967 of 2007 has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition entered into between the appellant and the accused. The said petition has been signed by both the appellant as well as the accused and their respective counsel. In the light of this development, the aforementioned composition is recorded and it will have the effect of an acquittal of the appellant of the offence punishable under Section 138 of the Negotiable Instruments Act, within the meaning of Sec. 320 (8) Cr.P.C.

This Crl. Appeal is disposed of as above.

V. RAMKUMAR, JUDGE

sj